



Docket No.: 1460.1003

2633
#81ald
3-5-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hideyuki MIYATA et al.

Serial No. 09/495,715

Group Art Unit: 2633

Confirmation No. 5208

Filed: February 1, 2000

Examiner: S.R. Fahmy

For: OPTICAL COMMUNICATION APPARATUS AND OPTICAL ADD/DROP APPARATUS

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Technology Center 2600

**PETITION TO RESTART PREVIOUSLY SET PERIOD FOR REPLY
DUE TO LATE RECEIPT OF AN OFFICE ACTION: MPEP 710.06**

Assistant Commissioner for Patents
Washington, D.C. 20231.

Sir:

An Office Action having a mailing date of December 13, 2002, in the subject application was received on February 24, 2003, at the correspondence address of the undersigned firm having Power of Attorney in the subject application. This Petition requests that the previously set period for response be restarted from the date of receipt of the Office Action at the correspondence address of the undersigned firm, in accordance with MPEP 710.06 and parts (A) through (C) thereof.

In accordance with part (A), this Petition is filed within two (2) weeks of the date of receipt of the Office Action at the correspondence address.

In accordance with part (B), the delay occupied a substantial portion of the set reply period (e.g., at least 1 month of a 3-month reply period had already elapsed as of the date of receipt).

In accordance with part (C), it is hereby stated that the Office Action was received at the correspondence address on February 24, 2003. A copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon is enclosed herewith as evidence showing the date of receipt of the Office action at the correspondence address. Pursuant to the usual mail processing procedures of the firm, all incoming mail from the PTO is date stamped on the day it is received. The firm's Docketing Manager, Victor DelRio, personally date stamps, and/or supervises the date stamping of each item of mail.

Therefore, the date stamp on the Office Action is an accurate indication of the receipt date.

By this Petition, the undersigned attorney for applicant(s) requests that the previously set period for reply be reset to run from the date of receipt (February 24, 2003) of the Office Action.

If any fees are required in connection with the filing of this Petition, please charge same to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 26, 2003

By: _____

Paul I. Kravetz
Paul I. Kravetz
Registration No. 35,230

700 11th Street, N.W., Ste. 500
Washington, D.C. 20001
(202) 434-1500